it contained alcohol and its label failed to bear a statement of the quantity and proportion of the alcohol contained therein.

On June 8, 1938, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of $50.

M. L. WILSON, *Acting Secretary of Agriculture.*

29043. Adulteration and misbranding of rubber prophylactics. U. S. v. 24 Gross of Texide. Default decree of condemnation and destruction. (F. & D. No. 42335. Sample No. 24626–D.)

Examination of samples of this product showed that some of them were defective in that they contained holes.

On May 9, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 gross of rubber prophylactics at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about January 10, 1938, from Chicago, Ill., by the Latex Distributing Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Texide * * * L. E. Shunk Latex Products, Inc., Akron, Ohio."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements on the labeling were false and misleading: "Prophylactics * * * guaranteed five years * * * against deterioration under normal conditions * * * for the prevention of disease."

On June 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29044. Misbranding of Bismolake; adulteration and misbranding of phenobarbital tablets, Amidobar Compound Tablets, sodium fluoride tablets, ephedrine sulphate capsules, and phenobarbital sodium ampuls. U. S. v. The Lakeside Laboratories, Inc. Plea of nolo contendere. Fine, $100. (F. & D. No. 38060. Sample Nos. 34266–B, 58002–B, 58003–B, 58005–B, 58047–B, 58073–B, 58075–B, 14313–C.)

The Bismolake contained metallic bismuth in excess of the amount declared and the remaining products, with the exception of one lot of phenobarbital sodium ampuls, contained smaller amounts of certain drugs than declared. One lot of phenobarbital sodium was represented to be sterile and free from foreign matter, whereas it was not.

On June 21, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lakeside Laboratories, Inc., Milwaukee, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act within the period from on or about December 13, 1935, to on or about September 14, 1936, from the State of Wisconsin into the State of Illinois, of quantities of the above-named pharmaceuticals of which the Bismolake was misbranded and the remaining products were adulterated and misbranded. The articles were labeled in part: "The Lakeside Laboratories, Inc., Milwaukee, Wis."

The Bismolake was alleged to be misbranded in that the statement in the labeling, "Each c.c. contains the equivalent of 45 mgms. metallic Bismuth," was false and misleading, since it represented that the article contained in each cubic centimeter not more than 45 milligrams of metallic bismuth; whereas it contained not less than 57.6 milligrams of metallic bismuth in each cubic centimeter.

The phenobarbital was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each tablet was represented to contain 1½ grains of phenobarbital; whereas each tablet contained not more than 1.29 grains of phenobarbital. The article was alleged to be misbranded in that the statement on the label, "Phenobarbital * * * C. T. * * * 1½ grs.," was false and misleading.

The Amidobar Compound was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each tablet was represented to contain 1 grain of barbital; whereas each tablet contained not more than 0.68 grain of barbital. The article was alleged to be misbranded in that the statement on the label, "Barbital 1 Gr.," was false and misleading.